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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA


7 In re. ELIAS TORRES,) No. C 06-4037 MMC (PR)
8)
9 Plaintiff.) **ORDER OF DISMISSAL;**
) **INSTRUCTIONS TO CLERK**
10) (Docket No. 4)

11 On June 29, 2006, the Clerk of the Court opened the above-titled civil action based on
12 trust account documents submitted for filing by plaintiff, a California prisoner proceeding
13 pro se; at the time they were submitted, the documents did not bear a number of an existing
14 case. That same day, the Clerk notified plaintiff that plaintiff had not filed a complaint or
15 petition, and that if he did not do so within thirty days, the instant action would be dismissed.
16 On July 14, 2006, in a later-filed case, Case No. C 06-4192 MMC (PR), plaintiff filed an
17 application to proceed in forma pauperis, to which he attached a letter stating he had intended
18 to file the above-referenced trust account documents in that later-filed case, and requesting
19 that the Court "terminate" Case No. 06-4037.

20 Good cause appearing, plaintiff's request is hereby GRANTED, and the above-titled
21 action is hereby DISMISSED; the application to proceed in forma pauperis herein is
22 DENIED as moot and no fee is due. The Clerk is hereby DIRECTED to file copies of the
23 above-referenced trust account documents in Case No. C 06-4192 MMC (PR). In the instant
24 action, the Clerk shall close the file and terminate Docket No. 4.

25 IT IS SO ORDERED.

26 DATED: December 11, 2006

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28 MAXINE M. CHESNEY
United States District Judge